

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DALE MAISANO,

v.

CORIZON HEALTH INC. et al.

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Case No. 3:14-mc-0026

Judge Sharp

ORDER

Pro se plaintiff Dale Maisano has filed a photocopied one-page complaint in which he states: “The Plaintiff is in pain 24 x 7, neck, back, leg, foot etc. in violation of *Estelle v. Gamble*. This system lack [sic] a single qualified medical person. Modrzejewski is a joke. I’m unable to sleep due to pain and with lack of any mental health care, I’m not doing well, conditions and medical are out of control.” (ECF No. 1.) He seeks injunctive relief and damages in the amount of “Ten Trillion Dollars U.S.” (Id.)

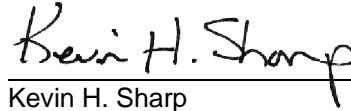
While the plaintiff’s allegations and the numerous complaints he has filed in this Court certainly suggest that he is in distress, he is not following the correct procedures for pursuing legal remedies, and he is not helping his situation by flooding this Court with patently frivolous complaints. With respect to the current complaint, the plaintiff is barred by 28 U.S.C. § 1915(g) from proceeding *in forma pauperis*. He did not submit the \$400.00 filing fee with his complaint, and he does not plausibly allege facts that, if true, would show that he is in imminent danger of serious physical injury. Moreover, the complaint is not in compliance with the Order and Restraining Order entered by Senior United States District Judge Stephen M. McNamee on August 11, 1992 in an unsuccessful attempt to curtail the plaintiff’s voluminous frivolous filings. Among other things, Judge McNamee’s order enjoins Maisano from filing any civil action in the United States District Court for the District of Arizona, or any other federal court, without first obtaining leave of the court. *See Maisano v. Lewis*, CIV 92-1026-PHX-SMM (MS) (D. Ariz. Aug. 11, 1992) (Order and Restraining Order).

Pursuant to the Restraining Order, any “[f]ailure to comply strictly with [its] terms . . . will be sufficient ground to deny leave to file.” *Id.* Because the plaintiff made no attempt with his current filing to comply with the Restraining Order, the present complaint is hereby **DISMISSED WITHOUT PREJUDICE**.

An appeal of this order would not be in good faith, and the Court will not grant leave to appeal *in forma pauperis*.

The Clerk is **DIRECTED** to enter assign a civil action number to this case, to enter judgment and to close the case, in accordance with Rule 58, Fed. R. Civ. P.

It is so **ORDERED**.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Kevin H. Sharp
United States District Judge